

Applicant: Quigley, et. al.  
Title: DISCHARGE CHUTE FOR  
CONCRETE  
Appl. No.: 09/713,744  
Filing Date: 11/15/2000  
Examiner: Jeffrey A. Shapiro  
Art Unit: 3651

Date 12/16/03 Express Mail No. EL 979073179  
US

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By Lisa A. Wilson  
Signature of Person Depositing Express Mail

**Declaration of Daniel R. Egan under 37 C.F.R. § 1.131**

I, Daniel R. Egan, declare:

1. I am an adult resident of the State of Wisconsin.
2. I am, and at all relevant times, have been, a test technician at Oshkosh Truck Corporation in Oshkosh, WI ("OTC").
3. In this capacity, prior to August of 1999, I was assigned by Scott Steckling (another OTC employee and a named inventor on U.S. Pat. Appl. S/N 09/713,744) the task of setting up, running, and observing wear tests on various coated, anodized, and lined concrete chutes.
4. The tests were designed to simulate multiple concrete pouring cycles and their wear impact on various coatings applied and liners attached to metal concrete chutes. It was, before the beginning of this test, Oshkosh Truck Corporation's intent and objective to develop a light-weight, coated or lined concrete chute which would be superior to unlined and uncoated steel chutes on the market, both with respect to weight and wear characteristics.
5. On August 23, 1999, after having constructed a test stand designed to simultaneously test a number of concrete chutes for wear, I formally began recording observations of the test process. The log generated as a result of my observations and conduct of this test is attached hereto as Exhibit A.
6. One of the numerous chutes tested was a steel concrete chute which employed a plastic liner. The liner was held in place on the chute with metal tabs which I had welded to the steel chute after discussions with Scott Steckling in which we

determined that normal fasteners would prematurely wear through and allow the plastic liner to come loose. Accordingly, the liner on our test chute was held firmly in place by these tabs and did not employ additional fasteners, threaded or otherwise. In setting up the test stand, I installed the plastic liner by pushing it into position under the lips formed by the metal brackets. Because the chute was held in place by the test stand and its range of motion was limited to a gentle rocking motion to allow a repetitive back-and-forth flow of aggregate material for wear testing, the metal brackets which formed the above-described lip did not need to extend the full length of the chute. For field testing and eventual production of the plastic-lined chute, Scott Steckling and I agreed that the retaining lip would need to extend the entire length of the chute.

7. I have read the "Statement of Facts in Support of Petition to Make Special Because of Actual Infringement," made by Kevin Quinn, and contained in the file wrapper of the Skalla patent. Based on my personal knowledge, Quinn's statement that on February 28, 2000, "OTC had been working on a way of retaining a plastic insert in a metal frame without using bolts for a period of four years and had not discovered a way of doing so," is demonstrably false. The means for retaining a plastic liner in a metal concrete chute without fasteners had been conceived at OTC solely by OTC employees prior to August 23, 1999, and such means were employed on the test stand I constructed, operated and observed as of August 23, 1999. This means of retaining a plastic liner without fasteners accomplished its purpose throughout the entire conduct of the wear test, specifically, more than 240,000 cycles.

8. I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. I make the statements set forth above of my own personal knowledge and, if called upon to do so, could testify competently thereto. I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the patent application and any corresponding patent.

Dated: 12-16-03

Daniel Egan  
Daniel R. Egan

# CEMENT CHUTE ABRASION TEST STAND

## DAILY LOG

DATE	TIME	NO. OF CYCLES	MIX CONSISTENCY	CHUTE/COATING CONDITION	NOTES: Water added, sliding characteristics, weather, etc.
8-23-99	1 pm	214	21 lb sand & water 18 lb rock	Almost new. Some light scratches - esp. Aluminum.	No water added to this new batch. "Pit Dry" sand.
23	1:45 p	301	"		Checked angles of all chutes. Grinding rubber one to adjust. Mix is getting plugged when rubber is down in rubber chute.
					Note: Mix does not slide as well in rubber chute.
					Plastic slides best, followed by the others closely except rubber.
8-24	8:20 a	2045	No water	Painted: Some red primer is starting to appear	Sand & Gravel have separated.
				Anodized aluminum seems to have Sand in plain aluminum is a → probably AL just mixed in.	worn least (by eye) lighter color than others,
24	10:03 a	2434		Gravel is breaking down / abrasive. Mix will need	rounding off edges, becoming less to be changed periodically.
24	3:45 pm	3703	Getting Dusty		Expect to change mix tomorrow. Stand to run all night.
8-25	7:13 a	7246	Rock looks about the same as yesterday. Some very fine powder.	Steel is down to bare metal. Anodized shows almost no sign of wear.	Rubber slides as well as the rest now.
25	12:40 p	8500	Replaced mix. Stopped stand.		
	1:55	8790	Restarted w/ new mix.		
	3:30	9134	Looks okay.		
8-26	2:10 pm	10673			

EXHIBIT  
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0.03 yd<sup>3</sup>/cycle/chute  
~ 230 cycles/hr

# DAILY LOG

**EXHIBIT**  
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# CEMENT CHUTE ABRASION TEST STAND DAILY LOG

**EXHIBIT**  
A - Igan  
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